

NICE POINT OF LAW

Can Deficiency Judgement Be
Detained After Trust
Deed Sale.

BROWN VS. MARKLAND

TO RECOVER FOR SUPPLIES
FURNISHED TO MINERS.

Gannon Found Guilty of Battery—A.
A. Willis on Trial For Burglary—
Two Cases Argued on Appeal In
the Supreme Court—Two Divorces
Granted—Miscellaneous Cullings.

The trial of the case of R. D. Millett
against L. P. Tarpey occupied Judge
Cherry yesterday, with Judge Howat
appearing for the plaintiff and Mr.
Varian for the defendant. A jury was
waived and the case tried by the court.

The plaintiff sued to recover a deficiency
arising on a promissory note secured by a trust deed. The property
was sold under the terms of the deed
and then the plaintiff brought suit to
recover the amount of the deficit, \$3,172.
The defendant's counsel contended
that the sale under the trust deed
operated the same as a foreclosure and
that the plaintiff, after taking and dis-
posing of the security, was barred from
bringing a suit to recover any more.

The point has been raised before in
other cases and the judges ruled that
a deficiency could be recovered, but in
this instance the matter will probably be
brought before the supreme court, as
the plaintiff is not satisfied with the
decision in this case.

Judge Cherry, after hearing the case,
took it under advisement.

BROWN VS. MARKLAND.

Suit to Recover For Supplies Fur-
nished For a Mine.

The suit of Mary E. Brown against
Charles B. Markland came up for trial
in the afternoon before Judge Cherry
and a jury, with Attorney Arthur
Leachman representing the plaintiff and
Judge Howat appearing for the defend-
ant.

Plaintiff alleges that she furnished
supplies to William A. Fraley, Sydney
G. Fraley and Richard Gundry, the
owners of the Bullion No. 3 mining
claim in the Rush Valley mining dis-
trict, Tooele county, to the value of
\$28.44 and was entitled to a lien on
the mine as security. The defendant
Markland bought the mine and agreed,
the plaintiff alleges, to pay the claims
against it, to the amount of \$25.00, and
specifically agreed to pay the plaintiff's
claim, in consideration of which she
waived her lien against the property,
and she demands judgment for \$28.44.
Defendants denied all the material al-
legations of the complaint and alleged
that she agreed to pay the claims
against the mine out of the net pro-
ceeds of ore which he was to extract
and ship. The same has not amounted
to sufficient to satisfy a mortgage of
\$3,750, which defendant alleges was to
be paid first, and hence his promise to
be dissolved. The hearing was not con-
cluded when court adjourned until this
morning.

A. A. WILLIS ON TRIAL.

For Burglarizing the Barn of Charles
Powell.

A. A. Willis, impleaded with Ed
Livingstone on a charge of burglary,
was put on trial before Judge Norrell
and a jury yesterday afternoon. The
information charges that Willis and
Livingstone entered the barn of Charles
Powell on Fifth West street and stole therefrom
2,000 pounds of oats of the value of \$30.
Willis and Livingstone were taken to-
gether for the crime at the last term
of court, but the jury failed to agree
and since then Willis has been in the
county jail, with the exception of a
few weeks when he was at large, and
living made his escape from jail, but he
was recaptured. There are several
other charges against both Willis and
Livingstone, but the case against Willis
was continued to the next term of court.
The homes of the men are at
Kamas and they are said to have pur-
sued a course of thieving for years.
Livingstone was also confined in the
county jail awaiting trial, but he too
effected his escape and has not yet
been recaptured.

At the present trial Assistant County
Attorney F. H. Hamilton represented the
state, while J. M. Hamilton defended the
accused. The hearing was proceeding
when court adjourned until this morn-
ing, when it will be resumed.

GUILTY OF BATTERY.

Jury So Finds In Case Against J. G.
Gannon.

In the criminal division of the dis-
trict court the trial of J. G. Gannon
on the charge of assaulting Ling Yung
which a week and a half ago he did by
harm, was resumed before Judge
Norrell and a jury yesterday morning.
The hearing was ended about noon, and
after a couple of hours' deliberation a
verdict of guilty of battery was ren-
dered, and Saturday was set as time
for passing sentence.

The trial of Mrs. Gannon, wife of
the other defendant, on the charge of
assaulting the same Chinaman with a
knife, was postponed until Sept. 24.

Supreme Court.

Two cases as follows were argued in
the supreme court yesterday and taken
under advisement:

Edwin A. Peck vs. Girard Five and
Marine Insurance company, appellant.
In the lower court the plaintiff re-
covered judgment against the defendant
for \$5,000 for damages done to the
dwelling of Ernest Christopherson,
which was insured by the defendant in-
surance company, and the policy endorsed to
E. A. Peck, this plaintiff, from which
the insurance company appealed.

The other case was Charlotte Louise
Young, an infant, by Nancy Martin, her
guardian, vs. S. H. H. Clark et al.,
receivers of the Union Pacific railroad,
appellants. The plaintiff received a
verdict and judgment in the district
court for \$1,550 and costs, damages for
personal injuries sustained by the
plaintiff being run into by a train of
the defendant's road, and the defend-
ants of Salt Lake City. The defend-
ants took the appeal from that judgment.

Two Divorces Granted.

Mrs. Catherine H. Klotting was
granted a decree of divorce yesterday
from her husband, Richard A. R. Klot-
ting, on the grounds of cruelty and in-
compatibility.

Mrs. Lydia E. Smith was also granted
a divorce from Matthew A. Smith on the
ground of habitual drunkenness.

Taylor Dismissed.

The hearing of the charge against C.
W. Taylor for being a party to a fraud-
ulent conveyance of the fixtures at the
Comstock saloon, was set for yester-
day before Justice Stewart. The com-
plaining witness, Taylor's wife, how-
ever failed to appear, and on motion
of the county attorney the case was
dismissed. The embitterment charge
was dismissed a few days ago, which
leaves Taylor with a clean slate, to
start out with again.

Miscellaneous Notes.

The Freed Furniture & Carpet com-

Royal makes the food pure,
wholesome and delicious.



ROYAL
BAKING
POWDER
Absolutely Pure

ROYAL BAKING POWDER CO., NEW YORK.

pany has entered suit in the Third dis-
trict court against H. G. Button, Agnes
Mahoney and the Royal Exchange As-
surance company to recover \$25.00 on an
insurance policy in the Royal Exchange
Insurance company. Button, it is al-
leged, was the owner of certain furni-
ture which was insured by the defend-
ant company, and was destroyed by
fire. The plaintiff claims to have re-
covered a judgment against Button for
\$25.00 and prays that as much of the
insurance money be applied on the judg-
ment as is necessary to satisfy it.

The resignation of Attorney William
Bradley as a member of the examining
committee of the supreme court was
tendered and accepted by the court,
and Attorney Frank Pierce appointed
in his place.

The case of John R. Winder et al. vs.
George Ward was stricken from the
calendar.

The trial of the suit of Emma D. A.
B. Neve vs. L. M. Waddell et al. was
resumed before Judge Cherry yesterday.

The suit was brought to recover the
possession of a deed to certain real es-
tate in Provo held by the defendant
Waddell in error and claimed by two
other defendants. The hearing was
concluded and the case taken under
advisement by the court.

William Leonard, charged with bur-
glary, entered a plea of not guilty. Oct.
4 was set for the trial, and Attorney S.
P. Armstrong was appointed to defend
him.

Judge Powers started last evening
for Alton, Ind., where he will take part
in the prosecution of Fred Gleason,
charged with murder.

John Shepard, A. F. Holden and
James Young were examined as to their
qualifications to serve as petit jurors
and were accepted.

A youth named Fred Fish was ar-
rested by Deputy Sheriff Roman Can-
non on the charge of assaulting a Chi-
nese man named Ah Locks by hitting him
on the stomach with a stone. The boy
was arraigned before Justice Margrett
and let go on bond pending the hear-
ing.

Cloak Department.

We are showing a beautiful line of
silk waists.

R. K. THOMAS DRY GOODS CO.

GARFIELD BEACH TRAINS.

Change In Time.

On and after Sept. 15, trains will
leave Salt Lake at 2:15 p. m. only.

Returning, arrive at Salt Lake 5:10 p. m.
Round trip, including bath, only 50
cents.

The Famous Meehey Furs.

Noted for their excellence in select
materials, style and finish, command
themselves to your taste, form and
price. The Hotel Knutsford Hotel.

For a guaranteed strictly pure
product use Three Crown Baking
Powder.

IRRIGATION CONGRESS.

LINCOLN, NEBRASKA.

Only \$40.00 For Round Trip Via
Union Pacific—Tickets on Sale

September 25, 26 and 27.

For the accommodation of delegates
and their friends the Union Pacific will
place in service a special Pullman
sleeper to run through to Lincoln, Neb.
without change of cars, and will ter-
minate at Lincoln, Neb., and Lin-
coln, Neb., leaving Salt Lake City at 7 a.
m. and Ogden at 3:30 a. m. Sept. 25.
Only one night on the road with the further
advantage of buffet car service and the
luxury of buffet cars and baggage ser-
vice. Delegates and friends desiring to
avail themselves of this superior ser-
vice should make immediate applica-
tion for tickets, and secure the neces-
sary berth and tickets, at the Union
Pacific office, 201 Main street, Salt Lake
City.

UNIVERSITY OF UTAH

And State Normal School, Salt Lake
City.

The academic year will begin, Sept.
15, 1897. Courses in general science,
liberal arts, mining engineering, agri-
cultural work, kindergarten training and
preparatory studies are offered. For
manual or full particulars concerning
these courses, entrance requirements,
normal scholarships, etc., apply to J.
T. Kingsbury, president.

Always reliable, strong and pure—
Hewlett Bros.' Three Crown Flavor-
ing Extracts. Give them a trial, and
your cakes will be delicious.

The Grandest Remedy.

Mr. R. B. Groove, merchant, of Chil-
howie, Va., writes that he had con-
sumption, was given up to die, sought
all medical treatment that money could
procure, tried all cough remedies he
could hear of, but got no relief; spent
many nights sitting up in a chair, was
induced to try Dr. King's New Dis-
covery, and was cured by use of two
bottles. For past three years has been
able to attend to his business, and says
Dr. King's New Discovery is the grandest
remedy ever made, as it has done so
much for him and also for others in his
community.

Dr. King's New Discovery
is guaranteed for Coughs, Croup, and
Consumption. It does not fail. Trial bot-
tles at C. Z. C. M. I. Drug Dept.

METEOROLOGICAL RECORD.

Yesterday's Observations at the Local
Weather Bureau Office.

Salt Lake City, Utah, Sept. 21, 1897.

Barometer, 6 a. m., 25.81; 6 p. m., 25.80;

thermometer, 6 a. m., 60 degrees; 6 p. m.,

60 degrees; relative humidity (per cent), 6

a. m., 67; 6 p. m., 72; direction of wind,

6 a. m., e. s. e.; 6 p. m., w. s. w.; velocity

of wind (miles per hour), 6 a. m., 1; 6

p. m., 5; state of weather, 6 a. m., clear;

6 p. m., clear, maximum temperature, 82

degrees; minimum temperature, 56 de-
grees; mean temperature, 68 degrees;

precipitation for the date, .03 inch; accu-
mulated deficiency since Jan. 1, 1897, 2.2

inches; accumulated deficiency since Jan. 1,

1897, 31.18 inches; accumulated excess since

Jan. 1, 1897, 2.23 inches; accumulated ex-

cess since Jan. 1, 1897, 2.23 inches; ac-

cumulated deficiency since Sept. 1, 1897,

2.41 inch.

Forecast for Salt Lake City and vicin-
ity for the 24 hours ending at 6 p. m. to-
day: Fair, stationary, refreshing.

J. H. SMITH, Observer.

48 and 50 Main.

Ladies' and children's outing night
gowns, 40c. to \$1.25.

R. K. THOMAS DRY GOODS CO.

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On and after Sept. 15, trains will
leave Salt Lake at 2:15 p. m. only. Re-
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Round trip, including bath, only 50
cents.

IN RAILWAY CIRCLES.

Quick Work of the Short
Line and Western

IN THE BUTTE DIFFICULTY

AN ARRANGEMENT WITH THE
BUTTE, ANACONDA & PACIFIC.

Montana Central Likely to Be Left
Out in the Cold—Salt Laker Who
Left For Klondike Last Night—
Freight Traffic Manager Monroe
Talks About the Situation—Latest
By Wire.

From all indications it would seem
that the Short Line will circumvent
the Union Pacific in the matter of the
connections with Butte which have
been closed by the action of the Mon-
tana Union, related in The Herald yester-
day. It is stated on very good au-
thority that Burley and Wadleigh have
made arrangements for an inlet and
outlet to Butte over the Butte, Ana-
conda & Pacific. The tracks are con-
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